

HOUSE BILL 257

C7

2lr2064

By: **Delegates McDermott, Alston, Arora, Clippinger, Cluster, Conaway,
Hough, Jacobs, K. Kelly, McComas, Mitchell, Parrott, and Smigiel**

Introduced and read first time: January 27, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Computers – Video Lottery Terminals – Tampering**

3 FOR the purpose of altering a certain definition to clarify that the criminal law related
4 to the unauthorized access to computers and related devices and systems
5 applies to video lottery terminals and associated equipment owned by the State
6 Lottery Commission; and generally relating to the unauthorized access to video
7 lottery terminals and associated equipment owned by the State Lottery
8 Commission.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Law
11 Section 7–302(a)(1) and (4)(i), (c), and (d)
12 Annotated Code of Maryland
13 (2002 Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 7–302(a)(4)(ii)
17 Annotated Code of Maryland
18 (2002 Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 7–302.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) (i) “Computer” means an electronic, magnetic, optical, organic,
2 or other data processing device or system that performs logical, arithmetic, memory, or
3 storage functions.

4 (ii) “Computer” includes:

5 1. property, a data storage facility, or a communications
6 facility that is directly related to or operated with a computer; AND

7 2. **A VIDEO LOTTERY TERMINAL OR THE ASSOCIATED**
8 **EQUIPMENT OWNED BY THE STATE LOTTERY COMMISSION AS PROVIDED IN §**
9 **9-1A-21 OF THE STATE GOVERNMENT ARTICLE.**

10 (c) (1) A person may not intentionally, willfully, and without
11 authorization:

12 (i) access, attempt to access, cause to be accessed, or exceed the
13 person’s authorized access to all or part of a computer network, computer control
14 language, computer, computer software, computer system, computer service, or
15 computer database; or

16 (ii) copy, attempt to copy, possess, or attempt to possess the
17 contents of all or part of a computer database accessed in violation of item (i) of this
18 paragraph.

19 (2) A person may not commit an act prohibited by paragraph (1) of this
20 subsection with the intent to:

21 (i) cause the malfunction or interrupt the operation of all or
22 any part of a computer, computer network, computer control language, computer
23 software, computer system, computer service, or computer data; or

24 (ii) alter, damage, or destroy all or any part of data or a
25 computer program stored, maintained, or produced by a computer, computer network,
26 computer software, computer system, computer service, or computer database.

27 (3) A person may not intentionally, willfully, and without
28 authorization:

29 (i) possess, identify, or attempt to identify a valid access code;
30 or

31 (ii) publicize or distribute a valid access code to an unauthorized
32 person.

1 (4) A person may not commit an act prohibited under this subsection
2 with the intent to interrupt or impair the functioning of:

3 (i) the State government;

4 (ii) a service, device, or system related to the production,
5 transmission, delivery, or storage of electricity or natural gas in the State that is
6 owned, operated, or controlled by a person other than a public service company, as
7 defined in § 1–101 of the Public Utilities Article; or

8 (iii) a service provided in the State by a public service company,
9 as defined in § 1–101 of the Public Utilities Article.

10 (d) (1) A person who violates subsection (c)(1) of this section is guilty of a
11 misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a
12 fine not exceeding \$1,000 or both.

13 (2) A person who violates subsection (c)(2) or (3) of this section:

14 (i) if the aggregate amount of the loss is \$10,000 or more, is
15 guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years
16 or a fine not exceeding \$10,000 or both; or

17 (ii) if the aggregate amount of the loss is less than \$10,000, is
18 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5
19 years or a fine not exceeding \$5,000 or both.

20 (3) A person who violates subsection (c)(4) of this section:

21 (i) if the aggregate amount of the loss is \$50,000 or more, is
22 guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years
23 or a fine not exceeding \$25,000 or both; or

24 (ii) if the aggregate amount of the loss is less than \$50,000, is
25 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5
26 years or a fine not exceeding \$25,000 or both.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2012.